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|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|

08/911,561 08/14/97 DAVIS

C 97-0912

PM21/0310

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EXAMINER

BASINGER, S

ART UNIT

PAPER NUMBER

3612

DATE MAILED:

03/10/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/911,561

Applicant(s)
Davis, Sr.

Examiner
Sherman Basinger

Group Art Unit
3612



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1 is/are allowed.

☒ Claim(s) 2-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 34 of page 10, line 5 is not in figure 3. Correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: in claim 1, next to the last line, "manual serving" is unclear and in claim 1, line 3 from the bottom "of vest opposite" is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 10, line 5 "the front portions" has no clear antecedent.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer in view of Zimmerly.

Kiefer discloses the inflatable bladder with front portions 21 and 29 with the air actuation mechanism 101 and 103 attached to a top surface of portion 21 and situated within the vest by cover 18. The manual pull cord is 105 of Kiefer. Kiefer does not disclose the details of the air actuation mechanism as claimed. However, note the mechanism of Zimmerly which has the lever, pin and spring as claimed. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the air actuation mechanism of Zimmerly for that of Kiefer as Kiefer states that 103 can be a standard discharge mechanism which is what is disclosed by Zimmerly.

6. Claims 2, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer in view of Sutliff et al.

Kiefer does not give the specifics of his air actuation mechanism. However, note the mechanism in figure 10 of Sutliff et al. It has the threaded opening 53, the air canister 48, the valve

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59, the pin 58, the spring 64, the lever 69, the motor means 76, the water switch 51, and the pull cord which is shown in figure 9.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace the air actuation mechanism of Kiefer with one similar to that of Sutliff et al so that the bladder of Kiefer will be inflated automatically incase a user is unconscious when the user falls into the water.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer and Sutliff et al as applied to claim 2 above, and further in view of Rayfield et al.

Kiefer does not disclose the manual pump. Note the manual pump of 70 of Rayfield et al. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the vest of Kiefer with a manual pump similar to that of Rayfield et al so that incase the air inflation mechanism of Kiefer does not work, a user of the vest can inflate the bladder with the pump instead of using the oral inflation valve.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer and Sutliff et al as applied to claim 2 above, and further in view of Cleaveland.

The vest of Kiefer is not made with mesh polyester; however, teaches making a vest with a bladder of mesh. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the vest, or at least portions of it of mesh as taught by Cleaveland as this would make it lighter and cooler. To use polyester as the mesh would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains as polyester is a well know material for making clothes.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer in view of Sutliff et al as applied to claim 2 above, and further in view of Tobias..

The vest of Kiefer does not have the lip closed by a pile fastener, the cargo pockets or the collar. Note the lip 40 of Tobias which is closed by snaps, but also note the use of pile fastener to close 106 and 108 of Tobias. Also note the collar of Tobias and the cargo pockets of Tobias. Note that Tobias discloses a vest with removable sleeves.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to the vest of Kiefer a collar, cargo pockets and lip similar to those of Tobias so as to provide comfort and a place to carry equipment. To use pile fastener instead of snaps to fasten the lip would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of Tobias using pile to fasten 106 and 108 and because pile fastener is quicker and easier to manipulate.

Allowable Subject Matter

10. Claim 1 is allowed.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spinosa is cited to show the jacket with the bladder. Janko is cited to show the use of a motor in an air actuation mechanism. Pekar is cited to show his pump.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman Basinger whose telephone number is (703) 308-1139. The examiner can normally be reached Monday through Friday from 08:30 A.M. Eastern Time to 02:45 P.M. Eastern Time.
13. If the examiner is unavailable for a telephone conference, a message can be recorded with "voicemail", and a return call will be forthcoming.
14. The fax phone number for this Group is (703) 305-7687.
15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.



Sherman Basinger

Primary Examiner, Art Unit 3612

February 27, 1998

Serial Number: 08/911561

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